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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,968	02/12/2004	Brian James Hitt	16771-US	6040

7590 01/19/2005

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EXAMINER

BUTLER, DOUGLAS C

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,968

Applicant(s)

HITT ET AL.

Examiner

Douglas C. Butler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. The submitted prior art has been considered.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Re claim interpretation “above” and “under” are relative terms. Also, “half-length leaf spring” is considered to be readable on a partial length “full-length leaf spring”.

5. Claims 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Pence (3,312,459).

Fig. 1 of Pence discloses a half-length leaf spring 22 contacting the full-length leaf spring 16 when the load exceeds a predetermined load.

6. Claims 1-4, 6-9, 14-16, 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by McIntyre (1,229,109).

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See Fig. 5 of McIntyre with full leaf spring 7 beneath partial leaf spring 20. The full length leaf spring 7 is at least twice the length of the shortest leaf spring of the upper partial leaf spring 20a. The "small utility frame" reads on the frame or chassis in Fig. 5 of McIntyre (109).

7. Claims 1-17, 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Atkinson (US 302,618).

Fig. 2 of Atkinson (618) discloses a half-length leaf spring 7 with eye 10, full-length leaf spring 6, 8 with eye at 9, the eyes being connected to a frame 3-4, considered a "small utility vehicle frame". The end 6 of the "full length leaf spring" does not pivot.

8. The instant claims are unduly broad.

9. Claims 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Selzer et al (4919399).

The term "under" is relative. Fig. 2 of Selzer et al discloses half-length leaf spring 34 which full-length leaf spring 52.

10. Consider Fig. 1 of Richardson (1423153).


11. See Fig. 1 of Selzer (4,687,224) with opposite eyes 20, 17 on separate leaf springs.

12. Consider Fig. 1 of Green (2815945).

13. Peterson (1362037) includes a half-length leaf spring 18-21 above a full-length leaf spring.

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14. Any inquiry concerning this communication should be directed to Exmr Butler at telephone number (703) 308-2575.


DOUGLAS C. BUTLER
PRIMARY EXAMINER
1/15/05
#U3683

Butler/vs
January 12, 2005